

12-a J007 Rec'd PCT/PTO 15 NOV 2001

FORM PTO-1390 (Revised)
REV 11-2000

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
NOV 15 2001
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/US00/21340INTERNATIONAL FILING DATE
04 August 2000

ATTORNEY'S DOCKET NUMBER

00-505-B

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/980845PRIORITY DATE CLAIMED
06 August 1999

TITLE OF INVENTION

Microbial Polynucleotides Expressed During Infection of a Host

APPLICANT(S) FOR DO/EO/US

IviGene Corporation

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A change of power of attorney and/or address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. Certificate of Mailing by Express Mail
23. Other items or information:

Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b) and Patent Data Sheet

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR) 09/980845	INTERNATIONAL APPLICATION NO. PCT/US00/21340	ATTORNEY'S DOCKET NUMBER 00-505-B
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24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :

- | | |
|--|-----------|
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO | \$1040.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO | \$890.00 |
| <input checked="" type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO | \$740.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) | \$710.00 |
| <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) | \$100.00 |

CALCULATIONS PTO USE ONLY

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$740.00

Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).

20 30

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	16 - 20 =	0	x \$18.00	\$0.00
Independent claims	4 - 3 =	1	x \$84.00	\$84.00

Multiple Dependent Claims (check if applicable).

\$0.00

TOTAL OF ABOVE CALCULATIONS = **\$954.00**

<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.	<input type="checkbox"/>	\$477.00
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SUBTOTAL = **\$477.00**

Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).	<input type="checkbox"/> 20 <input type="checkbox"/> 30	+ \$0.00
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TOTAL NATIONAL FEE = **\$477.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).	<input type="checkbox"/>	\$0.00
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TOTAL FEES ENCLOSED = **\$477.00**

Amount to be:	\$
charged	\$

- a. A check in the amount of **477.00** to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. **13-2490** A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Lisa M.W. Hillman
McDonnell Boehnen Hulbert & Berghoff
300 S. Wacker Drive, Suite 3200
Chicago, IL 60606

SIGNATURE

Lisa M.W. Hillman

NAME

43,637

REGISTRATION NUMBER

November 15, 2001

DATE

09/980845

JC10 Rec'd PCT/PTO 15 NOV 2001

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
(NEW PATENT APPLICATION)

Express Mail No. EL604655742US

Deposited November 15, 2001

I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated above and is addressed to the Asst. Commissioner for Patents, Washington, DC 20231.

By: Sylvester Lockridge
(person *actually* depositing)

Patent Application of: Ann Progulske-Fox, et al.

Title: Microbial Polynucleotides Expressed During Infection of a Host

Patent Application (48 pages, including claims)

13 Pages of Sequence Listing

Transmittal Letter to the United States Designated/Elected Office (DO/EO/US)

Postcard

6 Sheets of Drawings

Checks

Petition for Revival of an International Application for Patent Designating the U.S.
Abandoned Unintentionally under 37 CFR 1.137(b) and Patent Data Sheet

Attorney Docket No.:00-505-B